IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3161 OF 2003

Shri Vilasrao Bandoba Kadam .. Petitioner.
Vs.
Smt.Ushatai Ramchandra
Patil & Others .. Respondents.

Mr.A.M.Kulkarni i/b Mr.A.A.Kumbhakoni for the petitioner.
Mr.Dilip Bodake for respondent nos.1 to 5.

CORAM : D.B.BHOSALE, J.
DATED : 27TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent nos.1 to 5.

2. Rule, returnable forthwith. By consent of the parties rule is taken up for final hearing. Mr.Bodake, learned counsel waives service for respondent nos.1 to 5.

3. This petition is directed against the order dated 25.4.2000 passed by the appeal Court on Miscellaneous Civil Appeal No.156/1996, i.e. new Miscellaneous Appeal No.29/2000, by which the appeal filed by the respondent-defendant has been allowed and the order passed by the trial Court on the application at Exhibit-5 dated 2.5.1996 came to be set aside. By

order dated 2.5.1996 the temporary injunction application filed by the petitioner-plaintiff was allowed. After disposal of the miscellaneous civil appeal no.29 of 2000 vide order dated 25.4.2000 the petitioner had challenged the said order by way of civil revision application no.832/2000. On the civil revision application, Rule was issued and the order impugned had been stayed by this Court. Civil revision application was, however, dismissed as not tenable and thereafter the petitioner filed the present writ petition challenging the very same order dated 25.4.2000 passed on miscellaneous civil appeal no.29/2000. This court while issuing rule on the writ petition, has passed an order of status quo and that order is operating till this date. It is thus clear that the interim order is running in the matter since May, 1996. Keeping that in view and in particular the order of status quo passed by this court on 18.3.2004 I am satisfied that this petition can be disposed of by the following order:

. The trial Court shall endeavour to dispose of regular civil suit no.101 of 1996 as expeditiously as possible and preferrably within a period of one year from today on merits in accordance with law and without being influenced by the orders impugned in the present writ petition and the orders passed by this

court in the civil revision application as also the present writ petition. The order of status quo passed on 18.3.2004 in the present writ petition shall remain operative till the disposal of the suit.

. Rule is, accordingly, made absolute. No orders as to costs.

(D.B.Bhosale, J.)